

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
06-CR-345

CURTIS GROCE,
Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1). On October 29, 2006, defendant filed a motion for suppression. On January 2, 2008, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to suppress be denied.

Defendant filed objections to the Report and Recommendation on February 26, 2008. The government filed a response to the defendant's objections on April 14, 2008. The parties appeared for oral argument on July 9, 2008 and requested that the matter be submitted on the papers. The Court granted that request and deemed the matter submitted on that date.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to suppress is denied.

The parties shall appear in Court on Monday August 11, 2008 at 9:00 a.m. for a status conference and meeting to set trial date.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 8, 2008